

From: John Dawson
To: Microsoft ATR
Date: 11/17/01 3:53pm
Subject: Proposed Settlement.. Just say no.

Your Honor, dear sir or madam,

I work with both Microsoft based personal computers, and UNIX based servers, on a daily basis. I hold a Masters of Science degree in Electrical Engineering and work as a principle developer of hardware and software techniques for automated testing of large data communication networks. I respectfully submit my personal views on the proposed settlement offer relative to the on-going Microsoft anti-trust case.

I am concerned that many people in the U.S. Department of Justice have portrayed the proposed settlement agreement as being good for the American people -- it is not.

I am terribly worried that Microsoft appears to be able to manipulate the American political system and assert undue influence upon the current legal proceedings.

Who will decide which future software innovations are strategic to Microsoft, and hence, must be an integral part of the computer operating system?

When Microsoft "bundles" a new capability into its operating system, it immediately gets a monopoly share of the market for any similar products. Since Microsoft gets to define the minimum operating system bundle, they set the base fees that manufacturers must pass on to their customers. In order to maintain lower costs, most manufacturers will be unwilling, or realistically unable, to add or substitute programs that compete with the base services already provided by the operating system. This gives Microsoft a significant advantage in the software marketplace. Without splitting Microsoft's applications away from its' operating systems, Microsoft will be able to force its way to the top of any software or information service market it chooses.

I further believe that the proposed settlement agreement does not give sufficient consideration to the advantages Microsoft will maintain over competitors based upon the proprietary nature of their computer operating systems. Microsoft's own internal development will not be hampered by, or relegated to use, the same published interfaces that competitors must use. By not fully disclosing the internal mechanics of the operating system, Microsoft is free to optimize significant advantage for its own "bundled" solutions.

For the past several years Microsoft has used this advantage in clearly illegal ways to crush competitors. Where is the penalty for Microsoft's

heavy hand?

Without significant sanctions in this case, the proposed settlement will let a brutal monopoly force a proprietary delivery platform, for Microsoft market domination, upon the American people. This is not a matter of innovation, this is a matter of Microsoft being able to fix pricing for bundled solutions that force competitors out of new and emerging marketplaces.

I ask that you please reject the proposed settlement and instead, pursue a ruling to break this company into two or more separate entities.

Thank you in advance for your consideration in this important matter.

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